February 8, 2019

Ms. Kirstjen M. Nielsen
Secretary of Homeland Security
Washington, D.C. 20528

Secretary Nielsen,

We write to express our deep and urgent concern about the treatment of Indian-Punjabi Sikh and Cuban asylum seekers detained at the El Paso Processing Center in Texas, in particular 11 of who have been on hunger strike since late December, 2018. Through nasal tubes and IV, Immigration and Customs Enforcement (ICE) officials are force-feeding nine Punjabi detained asylum seekers; six of these nine individuals have been force-fed since January. It is imperative that the Department of Homeland Security (DHS) immediately release the individuals engaged in these hunger strikes to ensure their well-being, safety, and protection of their due process rights.

Just today, our organizations learned of disturbing retaliation against the strikers. An attorney representing two of the detained hunger strikers reported that ICE officials threw nine of the hunger strikers into solitary confinement for refusing to be force-fed while standing up. This follows reports on Wednesday, February 6, that ICE officials threatened four of the hunger strikers with imminent deportation, allegedly scheduled for today, February 8, 2019.

A lawyer representing two of the detained immigrants informed South Asian Americans Leading Together (SAALT) that her clients' arms and legs were tied to a chair to facilitate the force-feeding. The force-feeding tube stays in their nasal passages 24/7. On some of the individuals, the tubes are too large, causing nasal bleeding and pain. Many of the detained asylum seekers have wounds and lesions on their throats and nasal passages, are suffering from rectal bleeding and bleeding while vomiting, persistent stomach pain, and are having difficulty speaking and breathing. We are deeply concerned about their health and well-being at the hands of guards and medical staff at the El Paso Processing Center.

On January 30, 2019 an Associated Press article detailed the story of detention center staff force-feeding Cuban and Punjabi asylum seekers who have been on hunger strike to protest their prolonged detention and denial of bond at bond hearings after passing credible fear interviews. This latest strike represents an escalation of pervasive and historically discriminatory behavior against South Asian asylum seekers in particular, that has been extended to Cuban asylum seekers in this case and across various populations.

The detained immigrants have also been subjected to prolonged psychological abuse by ICE and detention staff. They are being denied religious accommodations and are routinely threatened with deportation, segregation, and solitary confinement. We believe these threats are a form of retaliation for drawing attention to their cases through the hunger strike.

Lastly, the asylum seekers are being denied adequate language access inside the facilities regarding their legal rights and due process. All detention facilities have an obligation to provide language interpretation under Title VI of the Civil Rights Act and Executive Order 13166 and under the ICE's Performance Based National Detention Standards 2011 (rev 2016).

Our organizations and many others have documented egregious, dangerous, and punitive conditions experienced by hunger strikers in detention facilities across the country, particularly in the El Paso Processing Center and Adelanto Detention Facility. Asylum denial rates in El Paso and neighboring New Mexico, where some of the hunger strikers' cases were heard, are among the highest in the country. The current El Paso immigration judges average about 95% for denials of asylum, with one judge not awarding asylum in the last two years. Additionally, El Paso and southern New Mexico immigration judges routinely deny bond, resulting in prolonged detention for many residents in the detention facility.

From 2014 through 2018, organizations have documented several instances of damaging and inhumane treatment of asylum seekers on hunger strike in the El Paso Processing Center and others across the country.

2014
El Paso, TX: In 2014, the Sikh Coalition filed a complaint (No. 14-07-ICE-0183) with the DHS Office of Civil Rights and Civil Liberties (CRCL) about the treatment of 37 Punjabi asylum seekers detained in the El Paso Processing Center for over one year. All of these asylum seekers passed their credible fear interviews and were denied bond or parole and went on hunger strike to protest their prolonged detention. They too received inadequate medical care, retaliation for their hunger strike, and no language interpretation. In the end, many of them were deported.

2015
El Paso, TX: In 2015, 54 South Asian asylum seekers, mainly from Bangladesh, Afghanistan, and Pakistan went on hunger strike at the El Paso Processing Center to protest their prolonged detention and demand investigations into unfair hearings and interference with their legal cases. These asylum seekers passed their credible fear interviews and were denied bond or parole. They too received inadequate medical care, retaliation for their hunger strike, and no language interpretation. In the end, as egregious examples of refoulement, many of them were deported back to their deaths. In the 2014 and 2015 instances, the government brought Indian and Bangladesh consulates into the El Paso Processing Center without the consent of the asylum seekers. This endangered the security of the detained immigrants who were seeking asylum from these very governments represented by the respective consular offices. These consulate representatives then intimidated detainees into ending their hunger strike, which is in direct violation of 8 CFR 208.6 which "generally prohibits the disclosure to third parties of information contained in or pertaining to asylum applications, credible fear determinations, and reasonable fear determination."

In 2015, Desis Rising Up and Moving (DRUM), The National Immigration Project of the National Lawyers Guild (NIP-NLG), and South Asian Americans Leading Together (SAALT) filed a complaint (No. 16-01-ICE-0012) with CRCL about the treatment of these 54 asylum seekers. In early 2017, we were informed the findings of a CRCL investigation were turned over to ICE for further action. We have followed up several times for the findings of these investigations and have been given no update.

2017
Adelanto, CA: An asylum seeker from Nicaragua detained in the Adelanto Detention Facility committed suicide in 2017 and seven more detained immigrants attempted suicides between October 2016 and July 2018. This follows the death of five asylum seekers from Mexico, El Salvador, and Honduras over the last three years alone in Adelanto, resulting from medical

neglect despite repeated requests for medical attention from detained immigrants. In June 2017 nearly 40 detained immigrants from Guatemala, El Salvador, and Honduras launched a series of hunger strikes to protest their conditions and treatment and faced severe retaliation. In May, 2018 the DHS Office of the Inspector General conducted a surprise visit of the facility and concluded that it was violating ICE's own detention standards. On August 15, 2018, a delegation of Members of Congress from the Congressional Asian Pacific American Caucus, led by Chairwoman Judy Chu, raised further questions about hunger strikes, retaliation, and woefully inadequate medical care of detained immigrants in the Adelanto Detention Facility.

2018
Sheridan, OR: In June, 2018, 70 South Asian detained immigrants in the Yamhill County Federal Prison were denied access to counsel, language interpretation, and religious accommodations. Some Sikh detained immigrants were even forced to cut their hair.

Folkston, GA: Also in June, 2018 over 100 South Asian asylum seekers at the ICE Processing Facility in Folkston, GA began a second hunger strike to protest their prolonged detention. Once again, after passing credible fear interviews, the asylum seekers were denied bond by immigration judges. DHS allegedly visited the facility in August, 2018, but there has been no update on the findings of this visit.

Victorville, CA: Also in June, 2018 nearly 400 South Asian asylum seekers were held in the Federal Correctional Institution in Victorville, CA. Many of the asylum seekers were Sikh and banned from wearing their turbans and denied other religious accommodations and adequate medical care at a facility notorious for its scabies and chicken pox outbreaks. The detained immigrants were also denied legal counsel and their cases were on indefinite hold.

We request the following actions:

1. **Release the hunger strikers and provide them with immediate medical attention.**
2. **Release the court order authorizing ICE or DHS officials to engage in force-feeding the detained immigrants in the El Paso Processing Center.**
3. **Conduct an unannounced inspection by the DHS Office of the Inspector General.**
4. **Conduct immediate independent monitoring of the El Paso Processing Center while investigations are carried out into allegations against medical staff and guards, including the review of facility video footage that documents incidents of abuse and mistreatment.**
5. **Release the findings of the 2015 CRCL investigation into treatment of hunger strikers and violation of Title VI provisions in the El Paso Processing Center to the complainants within 14 days.**
6. **Conduct an investigation to assess how ICE complies with Title VI provisions relating to language access in the El Paso Processing Center and nationwide across all detention facilities. Release the findings to the public within 30 days.**
7. **Immediately conduct an investigation of bond and parole processes, including whether people are released, in the El Paso Processing Center and nationwide across all detention facilities. Release the findings to the public within 30 days.**

Signed,

- Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert

- Arab Resource and Organizing Center (AROC)
- Chhaya CDC
- Defending Rights and Dissent
- Desis Rising Up and Moving (DRUM)
- Detained Migrant Solidarity Committee
- Detention Watch Network
- Freedom for Immigrants
- Government Information Watch
- Immigrant Defense Project
- Immigration Advocates Network
- Jakara Movement
- Kaur Law LLC - Ruby Kaur
- National Immigrant Justice Center
- National Immigration Project of NLG
- National Network for Immigrant and Refugee Rights
- NWDC Resistance
- Sakhi for South Asian Women
- Sapna NYC, Inc.
- Services, Immigrant Rights & Education Network (SIREN)
- Sikh American Legal Defense and Education Fund (SALDEF)
- Sikh Coalition
- South Asian American Policy & Research Institute (SAAPRI)
- South Asian Americans Leading Together (SAALT)
- Southern Poverty Law Center
- Texas Civil Rights Project
- The Reformed Church of Highland Park